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DATE MAILED: 05/24/2004

ATTORNEY DOCKET NO. FIRST NAMED INVENTOR CONFIRMATION NO. APPLICATION NO. FILING DATE 12/29/1999 BALWINDER S. SAMRA 17207-00006 09/474,631 2501 EXAMINER 7590 05/24/2004 JOHN S BEULICK SHAFFER, ERIC T ARMSTRONG TEASDALE LLP PAPER NUMBER ART UNIT ONE METROPOLITAN SQUARE **SUITE 2600** 3623 ST LOUIS, MO 631022740

Please find below and/or attached an Office communication concerning this application or proceeding.

## **Advisory Action**

Application No.	Applicant(s)	
09/474,631	SAMRA ET AL.	
Examiner	Art Unit	
Eric T. Shaffer	3623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued

PERIOD FOR REPLY (check either a) or b)]  a)	Examination (RCE) in compliance with 37 CFR 1.114.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In one vert, however, will the statutory period for reply expire later than SIX MONTHS form the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f).  Hearisons of lime may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final rejection, even if the period of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (5) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.794(b).  1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) \( \frac{\text{M}}{2} \) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) \( \frac{\text{ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) \( \text{ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) \( \text{ they are proposed or amended claims without canceling a corresponding number of finally rejected claims. NOTE: \( \frac{Sec Continuation Sheet.}{2} \) Applicant's reply	PERIOD FOR REPLY [check either a) or b)]
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. See MPEP 768.07().  Extensions of lime may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension ten have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension ten have been filled in the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension ten under 37 CFR 1.17(a) is calculated from: (1) the operation date of the shortened statutory period for reply originally set in the final office action; or timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1. A Notice of Appeal was filled on	a) The period for reply expires <u>3</u> months from the mailing date of the final rejection.
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been field is the date for purposes of determining the period of extension and the corresponding amount of the. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or 20 as set forth in (by above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) Proposed amendment(s) will not be entered because:  (b) they raise new issues that would require further consideration and/or search (see NOTE below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The all affidavit, bl exhibit, or cl request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The all affidavit, bl exhibit, or cl request for reconsideration has been considered below or appended.  The status of the claim(s)	no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2 □ The proposed amendment(s) will not be entered because:  (a) □ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) □ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) □ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3 □ Applicant's reply has overcome the following rejection(s):  4 □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5 □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6 □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  SUPERMISORY PATENT EXAMINER  SUPERMISORY PATENT EXAMINER	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if
(a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. Applicant's reply has overcome the following rejection(s):	
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(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  TARIO A. HAFTZ	(a) 🜠 they raise new issues that would require further consideration and/or search (see NOTE below);
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NOTE: See Continuation Sheet.  3.	
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canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  TARIO R. HAFTZ  SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2002.	3. Applicant's reply has overcome the following rejection(s):
application in condition for allowance because:  6.	
raised by the Examiner in the final rejection.  7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-20.  Claim(s) withdrawn from consideration:  8. □ The proposed drawing correction filed on is a) □ approved or b) □ disapproved by the Examiner.  9. □ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  TARIQ A. HAFIZ  SUPERVISORY PATENT EXAMINER  TECHNOLOGY CENTED 1999.	
explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-20.  Claim(s) withdrawn from consideration:  8 The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9 Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10 Other:  SUPERVISORY PATENT EXAMINER	·
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-20. Claim(s) withdrawn from consideration:  8.	
Claim(s) objected to:  Claim(s) rejected: 1-20.  Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:  TARIO A. HAFTZ  SUPERVISORY PATENT EXAMINER  TECHNOLOGY CERTED 2006	The status of the claim(s) is (or will be) as follows:
Claim(s) rejected: 1-20.  Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:  TARIO A HAFIZ  SUPERVISORY PATENT EXAMINER  TECHNOLOGY CERTERT 2006	Claim(s) allowed:
Claim(s) withdrawn from consideration:  8.	Claim(s) objected to:
8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:  TARIO A HAFIZ SUPERVISORY PATENT EXAMINER TECHNOLOGY CERTER 1990s	Claim(s) rejected: <u>1-20</u> .
9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:  SUPERVISORY PATENT EXAMINER TECHNOLOGY CERTER 12000	Claim(s) withdrawn from consideration:
10. Other:  TARIQ R. HAFIZ  SUPERVISORY PATENT EXAMINER  TECHNOLOGY CERTER 2000	8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.
TARIO R. HAFIZ SUPERVISORY PATENT EXAMINER TECHNOLOGY CERTER 2000	9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)
SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2000	10. Other:
SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2000	TARIO D. LIAT.
S. Patent and Trademark Office	SUPERVISORY PATENT EXAMINATION
	S. Patent and Trademark Office

Continuation of 2. NOTE: The ammendment to claims 1, 9 & 20 and the addition of claims 21 and 22, changes the scope of the claim, which would require further consideration and/or search.